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**HOUSE BILL 3**  
**46th LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**  
**INTRODUCED BY**  
**Rick Miera**

**AN ACT**  
**RELATING TO EDUCATION; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

Section 1. **SHORT TITLE.** -- This act may be cited as the "Education Appropriation Act".

Section 2. **DEFINITIONS.** -- As used in the Education Appropriation Act:

A. "federal funds" means any payments by the United States government to state government or state agencies for specific purposes or in lieu of taxes, including grants, reimbursements and payments made in accordance with contracts or cooperative agreements, and shared revenue except those payments made in accordance with the federal Mineral Lands Leasing Act (30 USCA 181, et seq.) and the State and Local Fiscal Assistance Act of 1972 (31 USCA 1221-1264), as amended;

B. "general fund" means that fund created by Section 6-4-2 NMSA 1978 and includes federal Mineral Lands Leasing Act receipts; and

C. "other state funds" means:

(1) unencumbered nonreverting balances in state agency accounts, other than in

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total
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1 internal service funds accounts, appropriated by the Education Appropriation Act;

2 (2) all revenue available to state agencies from sources other than the general  
3 fund, internal service funds, interagency transfers and federal funds; and

4 (3) all revenue, the use of which is restricted by statute or agreement.

5 Section 3. FORMAT. --The general format of the appropriations set forth in the Education  
6 Appropriation Act with respect to symbols used, column headings and amounts stated are those used  
7 in the General Appropriation Act of 2004.

8 Section 4. APPROPRIATIONS. --The appropriation for public school support in fiscal year 2005  
9 shall be:

10 PUBLIC SCHOOL SUPPORT:

11 (1) State equalization guarantee: 1,825,144.7 3,000.0 1,828,144.7

12 (2) Transportation distributions:

13 Appropriations: 97,816.6 97,816.6

14 The general fund appropriation to the transportation distribution includes sufficient funds  
15 for a one percent salary increase for transportation employees effective July 1, 2004.

16 (3) Supplemental distributions:

17 (a) Out-of-state tuition 495.0 495.0

18 (b) Emergency 2,600.0 2,600.0

19 Subtotal 3,095.0 3,095.0

20 The rate of distribution of the state equalization guarantee distribution shall be based on  
21 a program unit value determined by the secretary of public education. The secretary shall  
22 establish a preliminary unit value to establish budgets for the 2004-2005 school year; and then  
23 upon verification of the number of units statewide for fiscal year 2005 but no later than January  
24 31, the secretary may adjust the program unit value.

25 The general fund appropriation for the state equalization guarantee distribution contains

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
sufficient funds to provide a one percent salary increase for teachers, other instructional staff and other certified staff and noncertified staff, effective July 1, 2004.					
For the 2004-2005 school year, the state equalization guarantee distribution contains sufficient funding for school districts implementing a formula-based program for the first time. Those districts shall use current year membership in the calculation of program units for the new formula-based program.					
The general fund appropriation in the state equalization guarantee distribution reflects the deduction of federal revenues pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA 1978 that includes payments commonly known as "impact aid funds" pursuant to 20 USCA 7701 et seq., formerly known as "P.L. 874 funds".					
The general fund appropriation to the public school fund shall be reduced by the amounts transferred to the public school fund from the current school fund and from the federal Mineral Lands Leasing Act (30 USCA 181, et seq.) receipts otherwise unappropriated.					
Any unexpended or unencumbered balance in the distributions authorized remaining at the end of fiscal year 2005 from appropriations made from the general fund shall revert to the general fund.					
INSTRUCTIONAL MATERIAL FUND:	26,600.0				26,600.0
The appropriation to the instructional material fund is made from the federal Mineral Lands Leasing Act (30 USCA 181, et seq.) receipts.					
EDUCATIONAL TECHNOLOGY FUND:	5,000.0				5,000.0
INCENTIVES FOR SCHOOL IMPROVEMENT FUND:	1,600.0				1,600.0
FEDERAL FLOW THROUGH:				350,000.0	350,000.0
TOTAL PUBLIC SCHOOL SUPPORT:	1,959,256.3	3,000.0		350,000.0	2,312,256.3
PUBLIC EDUCATION DEPARTMENT:					

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
(1) Administration:					
(a) Personal services and employee benefits	8,820.7	192.4	104.3	4,355.6	13,473.0
(b) Contractual services	239.2	57.2	166.2	6,398.2	6,860.8
(c) Other	319.3	348.2	91.6	1,456.5	2,215.6
(d) Other financing uses	84.0		2,631.6	176.2	2,891.8
Authorized FTE: 175.2 Permanent; 79.0 Term . 2 Temporary					
(2) Apprenticeship assistance:	650.0				650.0
Subtotal	10,113.2	597.8	2,993.7	12,386.5	26,091.2
<b>PUBLIC EDUCATION DEPARTMENT SPECIAL APPROPRIATIONS:</b>					
(a) Beginning teacher induction and mentorship	900.0				900.0
(b) Re: Learning	900.0				900.0
(c) Advanced placement	381.6				381.6
(d) Charter schools stimulus fund	200.0				200.0
(e) Indian Education Act	2,000.0				2,000.0
(f) National board certification	300.0				300.0
Subtotal	4,681.6				4,681.6
<b>REGIONAL EDUCATION COOPERATIVES:</b>					
(1) Central 5 (Albuquerque)		2,000.0		2,006.0	4,006.0
(2) High Plains 3 (Raton)		2,165.5		2,037.3	4,202.8
(3) Region 9 (Ruidoso)		2,565.2		4,313.3	6,878.5
(4) Northwest 2 (Gallina)		50.0		1,869.2	1,919.2
(5) Northeast 4 (Las Vegas)		30.0		2,569.5	2,599.5
(6) Region 6 (Clovis)		100.0		1,385.4	1,485.4

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
(7) Lea #7 (Hobbs)		0.0		3,485.0	3,485.0
(8) Pecos Valley 8 (Artesia)		1,408.0		2,283.5	3,691.5
(9) Southwest 10 (Truth or Consequences)		392.9		4,076.7	4,469.6
Subtotal		8,711.6		24,025.9	32,737.5

Section 5. SEVERABILITY.--If any part or application of this act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Section 6. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

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